

IN THE CIRCUIT COURT OF RUTHERFORD COUNTY, TENNESSEE
AT MURFREESBORO

ALLIE FOSTER,

Plaintiff,

vs.

WAL-MART STORES, INC.,

Defendant.

Case No. 62296

FILED
2011 MAR -9 PM 4:10
LAURA BOWLING
CIRCUIT COURT CLERK

COMPLAINT

Comes now the Plaintiff, by and through her undersigned counsel, and hereby files this civil action against the Defendant Wal-Mart Stores, Inc., hereinafter referred to as the Defendant, for his cause of action and would state as follows:

1. The Plaintiff Allie Foster is a resident of Murfreesboro, Rutherford County, Tennessee.

2. The Defendant Wal-Mart Stores, Inc., is a for profit company with a principal address of 702 SW 8th Street, #0555, Bentonville, AR 72716-0555 and conducting business at 2000 Old Fort Parkway, Murfreesboro, Tennessee.

3. This lawsuit is for a slip and fall which occurred from the bounds of Murfreesboro, Rutherford County, Tennessee. Venue and jurisdiction are properly reposed with this court.

4. At all times material, the Plaintiff was a patron of the Defendant's business located at 2000 Old Fort Parkway, Murfreesboro, Tennessee.

5. At all times herein, the Defendant operated and maintained a retail establishment, open to the public and had a duty to operate and maintain said

EXHIBIT

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retail store in a manner that is safe, without danger and in compliance with industry standards regarding the safe maintenance of retail aisle ways open to the public.

6. On or about March 10, 2011, the Plaintiff was shopping in the Defendant's place of business when she tripped and fell upon an unmarked, uncordoned pallet in the aisle, placed there to stock merchandise, with no store personnel or signage to warn patrons of the obstruction.

7. As a result of the Plaintiff's fall, she has suffered injury to her lower and middle back as well as her hands and lacerations to her face, medical expenses, pharmacy expenses, loss of enjoyment of life, pain and suffering.

8. Said Defendant failed to exercise ordinary care in placing the uncordoned, unsecured, unsupervised pallet in the aisle below waist level thereby failing to meet the minimum standards of safety or a reasonable standard of care expected of any retail establishment open to the public.

9. At the time of the Plaintiff's fall, the Defendant knew or should have known that the aisle way was no longer safe and constituted a dangerous condition with an unreasonable risk of harm presented to the patrons of the building. Further, the Defendant knew or should have known, that the occupants of the building would be unaware of the dangerous condition presented by the uncordoned pallet below waist level. The Defendant negligently failed to take steps to either make the condition safe or warn the Plaintiff and others of the dangerous condition, all of which caused the Plaintiff to trip and fall on the pallet and suffer the injuries and damages herein described.

WHEREFORE, PREMISES CONSIDERED, your Plaintiff prays as follows:

1. That this Complaint be filed and served upon the Defendant and that they be required to answer same.
2. That the Court take jurisdiction over this cause and set it for trial in due course.
3. That the Court empanel a jury of 12 to decide the issues presented by this cause.
4. The Plaintiff has compensatory damages in the sum of \$200,000.
5. That the Court award the Plaintiff general and equitable relief as the cause may warrant.

Respectfully submitted,


JOHN D. DRAKE, #012405

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State of Tennessee, Rutherford County
The undersigned, Circuit Court Clerk of
the said County and State, hereby certifies
that the foregoing is a correct copy of
the instrument filed in the foregoing case
in the Circuit Court of Murfreesboro, Tennessee.
This _____ day of _____


Laura Bohling Clark

Deputy Clerk